

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ENZO MORELLA,

Plaintiff,

v.

SAFECO INSURANCE COMPANY OF
ILLINOIS,

Defendant.

No. C12-0672RSL

ORDER DENYING MOTION FOR
RECONSIDERATION

On April 12, 2012, the Court granted in part plaintiff's motion for summary judgment and certified a question to the Washington State Supreme Court. Defendant filed a timely motion for reconsideration. Dkt. # 34. Such motions are disfavored in this district. "The court will ordinarily deny such motions in the absence of a showing of manifest error in the prior ruling or a showing of new facts or legal authority which could not have been brought to its attention earlier with reasonable diligence." LCR 7(h)(1).

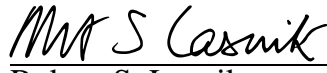
Defendant asserts that the Court misconstrued or misapplied the factual record in four ways. It has not, however, shown the type of "manifest error in the prior ruling" that would warrant reconsideration. For the most part, the Court accurately apprehended the existing record and applied the law to those facts. To the extent the Court did err by relying on an inapplicable arbitration agreement when discussing the mandatory vs. permissive nature of the agreement, that discussion was primarily background for the analysis of the phrase "actual damages" as it is

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1 used in the Insurance Fair Conduct Act. The error was not germane to the outcome of the issue
2 or the formulation of the question to be certified to the Washington Supreme Court.

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4 For all of the foregoing reasons, defendant's motion for reconsideration and/or
5 amendment is DENIED.

6 Dated this 19th day of June, 2013.

7 
8 Robert S. Lasnik
9 United States District Judge